

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board¹
Docket No. 05-296

Peter Bryson,)
Appellant,)
)
v.)
)
Town of Northbridge and James)
Sheehan, Jr.,)
Appellees)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 780 CMR Table 503 and 780 CMR 3400.3 (4) of the Massachusetts State Building Code ("MSBC") for 70 Church Street, Whitinsville, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on September 7, 2006 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing the owner, Jeffrey Dufficy, was Peter Bryson of Peter Bryson Code Consulting Services ("Appellant"). Present and representing the Town of Northbridge Building Department was James Sheehan, Jr. There was no representative present from the Town of Northbridge Fire Department

Findings of fact

1. The subject property is a three story Type 5B, use group B construction located at 70 Church Street, Whitinsville, MA.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

2. The subject property was constructed in the early 1900's.
3. The subject property currently exceeds the MSBC permissible height limitations.
4. The Appellant sought approval from the Board to construct a 500 square foot addition at the rear of the subject property. The addition will contain an elevator and an enclosed egress stair. The addition will be Type 5B construction to match the existing structure.
5. There will be no increase in the occupancy of the subject property and the addition will only be used for the purposes of an elevator and enhanced egress stair.

Discussion

A motion was made to Grant the Appellant's request for a variance from 780 CMR Table 503 and 780 CMR 3400.3 (4) of the MSBC to allow for the construction of an elevator shaft and egress stair at the rear of the subject property. Motion carried 2-1 with Mr. Nunnemacher casting a vote to deny.

Conclusion

The Appellant's request for variance from 780 CMR Table 503 and 780 CMR 3400.3 (4) is **GRANTED**.

SO ORDERED.


HARRY SMITH


JACOB NUNNEMACHER


BRIAN GALE

DATED: November 21, 2006

** In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*